

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

New claims 10-14 are added. Main new claim 10 requires that the hydrogen storage material is Ti-doped NaAlH₄. This material is supported by, for example, page 3 of the specification and the examples.

New claim 11 is original claim 2 made dependent on claim 10.

New claim 12 is original claim 5 made dependent on claim 10.

New claim 13 is supported by the last paragraph on page 3.

New claim 14 is supported by the entire specification.

Applicants do not believe that any of the amendments introduce new matter. An early notice to that effect is earnestly solicited.

Applicants respectfully request that special consideration be given to new claims 10-14. As discussed in the fourth paragraph on page 3 of the specification, and supported by the data in the instant examples and the figures, *encapsulated* Ti-doped NaAlH₄ surprisingly and unexpectedly reveals a higher hydrogen desorption rate than the non-encapsulated Ti-doped NaAlH₄.

As discussed in the sixth paragraph on page 3, and supported by the data in the instant examples and the figures, *encapsulated* Ti-doped NaAlH₄ surprisingly and unexpectedly fails to

ignite under conditions where non-encapsulated Ti-doped NaAlH₄ does ignite.

There is nothing in the cited combination of references that teaches or suggests these surprising and unexpected advantages of the encapsulated Ti-doped NaAlH₄, which is the subject of new claims 10-14. Consequently, irrespective of the disposition of the remaining claims, Applicants respectfully submit that claims 10-14 are patentable and immediately allowable.

Claims 1, 4, 5, 7 and 9 were rejected under 35 USC § 103(a) as being obvious over Heung, US 6,432,379 in view of Ovshinsky, US 6,478,844, and Rendina, US 20030190501. In response, Applicants respectfully submit that the cited combination of references does not make out a *prima facie* case of the obviousness of any of the rejected claims.

Applicants respectfully submit that a person having ordinary skill in the art would not have combined Heung and Ovshinsky in the first place, and certainly not in any way that would achieve the present invention. The Examiner relies on Ovshinsky apparently to show that generally substitutions of one hydride for another would have been made. However, Applicants respectfully point out that Ovshinsky describes hydrides intended to be used as powders. See, for example, Ovshinsky's abstract ("A method for making a hydrided hydrogen storage alloy ***powder*** from component material [emphasis added].") A person having ordinary skill in the art would realize that Ovshinsky's hydride could not be used in Heung's invention because it would not have been possible to combine the support material of Heung starting from a liquid solution and combining it with a solid, finely powdered alloy.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn

is earnestly solicited.

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Early and favorable action is earnestly solicited.

Respectfully submitted,
NORRIS McLAUGHLIN & MARCUS, P.A.

By /Kurt G. Briscoe/
Kurt G. Briscoe
Attorney for Applicant(s)
Reg. No. 33,141
875 Third Avenue
8TH Floor
New York, New York 10022
Phone: (212) 808-0700
Fax: (212) 808-0844